

REMARKS

Claims 1-41 are all the claims pending in the application.

Claim 1 has been amended to add the limitations from claim 13.

Claim 13 has been canceled.

Claim 14 has been amended to change the claim dependency as a result of canceling claim 13 and Claim 37 has been amended to correct a typographical error.

Claim 41 has been amended to address the antecedent basis issue raised by the Examiner.

Withdrawn claims 6, 17, 20-22 and 25 have been amended to remove the reference numbers.

Applicant requests that this after-final amendment be entered because it raises no new issues, adds no new subject matter that has not been previously searched and places the application in better condition for appeal.

A replacement sheet for Figure 2 is being submitted along with this Amendment. The lead line to item 59 in figure 2 has been corrected to point to the pushing element mounted at the first thrusting end 44a of spring 44. Support for this change is shown in original figure 2 submitted with the application.

PRIOR ART REJECTIONS

The Examiner has rejected claims 1-5, 7, 8, 25, 33, 34 and 37-40 under 35 U.S.C. § 102(e) as being anticipated by Salice (U.S. Patent No. 7,497,532). Applicant

traverses these rejections as being moot given that the limitations of claim 13 have been added to claim 1.

The Examiner has rejected claims 8-12, 14-16, 23-25, 36 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Salice in view of CH 364711 ('711). Applicant traverses these rejections because the cited references fail to disclose or suggest all of the limitations of claim 1 and one of skill in the art would not have combined Salice and '711 to arrive at the claimed invention.

First, the Examiner concedes that Salice fails to disclose or suggest at least the following limitations:

wherein said balancing device comprises an adjustment device for adjusting the thrusting force exerted by the balancing device on the lifting lever

In order to make up for this deficiency, the Examiner cites to '711. However, Applicant respectfully disagrees that '711 discloses an "adjustment device" for adjusting the thrusting force exerted by the balancing device on the lifting lever within the meaning of the present invention. Item 19, which the Examiner alleges is the claimed "adjustment device," is merely a plunger member ("Kolbenglied 19" see page 2, lines 57-58 of this reference) which is pushed by the spring (23) towards the projection (17) of the lifting lever (15). At best, item 19 may be structurally and functionally similar to the pushing element (59) shown in the preferred embodiments of the claimed hinge assembly. Accordingly, the plunger member (19) disclosed by '711 is not an adjustment device and,

as such, is totally unable to carry out any adjusting action of the thrusting force exerted by the balancing device.

Second, one of skill in the art would not have been motivated to combine Salice with '711 with any reasonable expectation of success. In sharp contrast, numerous teachings of '711 would have taught one of skill in the art away from the prospected combination. One of skill in the art would have immediately recognized that '711 discloses a hinge assembly which in the closing position of the panel (3) has an **opposite structure** with respect to that disclosed by Salice. According to '711, in fact, the pivoting axis (5, 16) of the lifting lever (1, 15) is interposed between the panel (3) and the pivoting axis of the balancing device (20), while according to Salice the pivoting axis (7) of the balancing device (8) is interposed between the panel (2) and the pivoting axis (5) of the lifting lever (6).

Next, one of skill in the art would have immediately recognized that '711 discloses a hinge assembly in which the direction of thrust (defined by the axis of the spring 12 or 23) of the balancing device (20) always crosses in operation the dead center plane defined by an imaginary line defined by the pivoting axis (at 21) of the balancing device (20) and by the pivoting axis (5, 16) of the lifting lever (1, 15) as well illustrated by Figs. 1 and 2, while in the hinge assembly according to '532 this disadvantageous configuration never occurs.

In view of the above, one of skill in the art would have immediately recognized that '711 fails to disclose any feature which would reasonably improve in some way the structure and performance of the hinge assembly disclosed by Salice.

Accordingly, one of skill in the art would have never arrived at the invention as defined by claim 1, even by combining Salice with '711 despite the lack of any credible motivation to do so.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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